



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF MARCH 16, 2012

Commissioner Yates called the meeting to order in Omaha, Nebraska at 9:08 a.m. on March 16, 2012. It was established after a roll call that there was a quorum.

I. ROLL CALL

Commissioners Present

Kristin Yates, Chairperson
Bette Trumble
Ann Dover

Royce Jeffries, Vice Chairperson
Arnold Nesbitt

Staff Present

Barbara Albers, Executive Director
Paula Gardner, Unit Director
Lisa Murphy, Investigator III

Gretchen Eure, Unit Director
Cat Souliere, Staff Assistant

II. AFFIDAVIT OF PUBLICATION

The Affidavit of Service from the Lincoln Journal Star was read to show that the public was made aware of the March 16, 2012 Commission meeting.

III. APPROVAL OF MINUTES

Commissioner Trumble moved to approve the February 17, 2012 Commission meeting minutes.

Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover
 Nays:
 Abstained: Nesbitt
 Motion Carried

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IV. ADDITIONS OR CORRECTIONS

Under Section X. SUCCESSFUL AGREEMENTS, please add NEB 1-11/12-12-2684-H and NEB 1-11/12-1-2689-H.

Under Section XII. CONCILIATION CASES TO BE CONSIDERED FOR PUBLIC HEARING, please add NEB 1-10/11-12-41926.

Under Section XV. BUSINESS, please add 3. Nebraska Age Discrimination in Employment Act, Rules & Regulations.

V. PUBLIC INPUT (Non Case)

Limit of 5 minutes per person for a total of a 30 minute session.

None at this meeting.

VI. INTRODUCTION TO PUBLIC INPUT (Agenda Cases)

The cases wherein a party to the case was present were moved to the front of the agenda under Section VII. CASE DISPOSITIONS.

VII. CASE DISPOSITIONS

NEB 1-10/11-3-42169 (Respondent was present.)
Commissioner Nesbitt moved for no reasonable cause.
Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

NEB 2-11/12-10-2664-H (Respondent was present.)
Commissioner Trumble moved for no reasonable cause.
Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

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NEB 2-10/11-2-42006 (Complainant and Respondent were present.)
Commissioner Nesbitt moved for no reasonable cause.
Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

NEB 2-10/11-6-42318 (Complainant and Respondent were present.)
Commissioner Nesbitt moved for no reasonable cause.
Commissioner Trumble seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

NEB 1-11/12-10-2659-PA (Complainant was present.)
Commissioner Trumble moved for no reasonable cause.
Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover
 Nayes: Nesbitt
 Abstained:
 Motion Carried

NEB 1-11/12-8-42673 (Respondent was present.)
Commissioner Nesbitt moved for no reasonable cause.
Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

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NEB 1-11/12-9-42691 (Respondent was present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

NEB 1-11/12-9-42695 (Respondent was present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

NEB 1-11/12-9-42700 (Respondent was present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

NEB 1-11/12-12-42800 (Respondent was present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

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NEB 2-11/12-12-2680-H (Respondent was present.)
Commissioner Nesbitt moved for no reasonable cause.
Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Naves:
 Abstained:
 Motion Carried

The Commission took a short break.

VIII. REQUEST FOR RECONSIDERATION

NEB 1-10/11-5-2621-H (Complainant was present.)

IX. ADMINISTRATIVE ACTIONS

A. LACK OF JURISDICTION

NEB 2-11/12-1-2690-H (Complainant was present.)

XIV. BUSINESS

1. Petition for Declaratory Order (Complainant was present.)

Commissioner Yates moved to enter Executive Session to discuss these cases at the request of the Complainant to protect the confidentiality and reputation of everyone present.
Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Naves:
 Abstained:
 Motion Carried

The Commission entered Executive Session at 10:35 a.m.

Commissioner Nesbitt moved to exit Executive Session at 11:25 am
Commissioner Trumble seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Naves:
 Abstained:
 Motion Carried

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XIV. BUSINESS

1. Petition for Declaratory Order (Complainant was present.)

Commissioner Nesbitt moved to take no action on the Petition.
Commissioner Yates seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nays:
 Abstained:
 Motion Carried

VIII. REQUEST FOR RECONSIDERATION

NEB 1-10/11-5-2621-H (Complainant was present.)

Commissioner Nesbitt moved to deny the request for reconsideration.
Commissioner Yates seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nays:
 Abstained:
 Motion Carried

IX. ADMINISTRATIVE ACTIONS

A. LACK OF JURISDICTION

NEB 2-11/12-1-2690-H (Complainant was present.)

Commissioner Yates moved to dismiss this case based on lack of jurisdiction.
Commissioner Nesbitt seconded the motion.

ROLL CALL: Ayes: Trumble, Jeffries, Yates, Dover, Nesbitt
 Nays:
 Abstained:
 Motion Carried

Commissioner Jeffries left the meeting at this time.

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Section VII. CASE DISPOSITIONS

NEB 2-10/11-5-42091
NEB 1-10/11-6-42566
NEB 1-10/11-5-42536
NEB 2-11/12-9-2658-PA
NEB 1-11/12-7-42622
NEB 2-10/11-6-2623-PA
NEB 2-10/11-1-41989
NEB 1-11/12-10-2661-H
NEB 2-11/12-11-2671-H
NEB 1-11/12-7-42600
NEB 1-10/11-5-42248
NEB 1-11/12-7-42599
NEB 1-10/11-3-42205
NEB 2-10/11-10-41716
NEB 1-11/12-8-42531
NEB 2-11/12-12-2675-PA
NEB 1-11/12-7-42617

Commissioner Yates moved for no reasonable cause on the above cases.
Commissioner Nesbitt seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

IX. ADMINISTRATIVE ACTIONS

A. LACK OF JURISDICTION

NEB 1-11/12-2-2692-PA
NEB 1-10/11-6-42592

Commissioner Yates moved to dismiss these cases due to lack of jurisdiction.
Commissioner Nesbitt seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

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B. WITHDRAWALS

NEB 2-10/11-4-42055

NEB 1-11/12-1-43024

Commissioner Yates moved to withdraw these cases.

Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

C. EEOC

NEB 2-10/11-10-41717

NEB 2-10/11-9-41688

NEB 1-09/10-11-40972

Commissioner Yates moved to defer to the recommendations of EEOC.

Commissioner Nesbitt seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

X. SUCCESSFUL AGREEMENTS

NEB 2-11/12-2-2693-H

NEB 1-11/12-12-2684-H

NEB 1-11/12-1-2689-H

Commissioner Yates moved to accept the recommendations contained in these agreements.

Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Nayes:

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XI. CONCILIATION

NEB 2-10/11-1-41996

Commissioner Yates moved to accept the recommendations contained in the conciliation agreement.

Commissioner Nesbitt seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Naves:
 Abstained:
 Motion Carried

XII. CONCILIATION CASES TO BE CONSIDERED FOR PUBLIC HEARING

NEB 1-10/11-12-41926

Commissioner Yates moved to move this case to public hearing.

Commissioner Nesbitt seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Naves:
 Abstained:
 Motion Carried

XIII. PUBLIC HEARING

None at this time.

XIV. CIVIL ACTION

None at this time.

XIV. BUSINESS

2. Agency Update

Director Albers indicated that JL Spray has resigned from the Commission to join the Commission on Industrial Relations. She spoke with Peggy King of the Governor's office regarding the need for new Commissioners. She added that she would keep the Commission informed once someone is appointed.

Director Albers told the Commission that the agency is working on its retention rules for records.

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Director Albers said that she hopes to submit between 675 and 700 cases to the EEOC. This is lower than her preference of 800. She noted that the agency is fully staffed again and anticipates being able to meet that goal next year. She indicated that the agency should be able to maintain its current staffing levels.

3. Nebraska Age Discrimination in Employment Act, Rules & Regulations

Director Albers told the Commission that the agency held a public hearing and no one attended, nor were there any comments. She added that she didn't expect any comments, as the changes were to bring the rules into alignment with the statute. She said that she will be sending it to the Attorney General for review. From there, it will go to the Governor and then to the Secretary of State.

XV. ADJOURNMENT

Commissioner Yates moved to adjourn March 16, 2012 Commission meeting at 11:56 a.m.
Commissioner Dover seconded the motion.

ROLL CALL: Ayes: Trumble, Yates, Dover, Nesbitt
 Nayes:
 Abstained:
 Motion Carried

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Respectfully submitted,



Cat Souliere
Staff Assistant

March 20, 2012

Date



Barbara Albers
Executive Director

March 20, 2012

Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of March 16, 2012 have been corrected and accepted, and henceforth approved on this date.



Kristin Yates, Chairperson

APR 20 2012

Date